

**ADOPT UNIFORM DISCIPLINE CODE FOR
CHICAGO PUBLIC SCHOOLS FOR 2002-2003 SCHOOL YEAR**

The Chief Executive Officer recommends the following:

That the Chicago Board of Education adopt the 2002-2003 Uniform Discipline Code (UDC), to be effective as described below, by adding new Glossary definitions and language which expands and clarifies the definition of certain other disciplinary offenses, and by changing language to modify the actions that are necessary for certain types of disciplinary offenses. A copy of the UDC is on file in the Office of the Board. These changes shall be effective September 16, 2002.

Description:

Additional Acts of Misconduct

Group 3-Acts of Misconduct: adds an additional act of misconduct, "Severe bullying behaviors", Act of Misconduct 3-10.

Clarification/Modification of Current Language and Acts of Misconduct

Student Misconduct: modifies the "Student Misconduct" section by clarifying language that schools may offer before or after school or Saturday detention.

Student Misconduct: modifies the "Student Misconduct" section by setting the parameters for disciplinary reassignment of military academy students who commit acts of misconduct in violation of the Uniform Discipline Code. This amendment also adds language with respect to parent/guardian notification of these military academy policies and provisions.

Group 1-Acts of Misconduct: modifies act of misconduct 1-3 to clarify that students may only lose extracurricular activities for failure to wear a school uniform.

Group 3-Acts of Misconduct: adds a footnote to act of misconduct 3-1 (disruptive behavior on the school bus), by clarifying that the penalty for such disruption may include suspension from bus service.

Group 3-Acts of Misconduct: transfers part of Misconduct 4-9 (use of pagers and cellular telephones) to new Act of Misconduct 3-11.

Group 4-Acts of Misconduct: adds a second asterisk to act of misconduct 4-3 (assault) to indicate that it *may* be a violation of criminal laws.

Group 4-Acts of Misconduct: transfers part of act of misconduct 4-9 (possession of pagers and cellular telephones) to act of misconduct 1-8.

Group 5-Acts of Misconduct: modifies violation 5-4 by changing "persistent bullying" to "persistent severe bullying".

Group 5-Acts of Misconduct: modifies Group 5 Acts of Misconduct by expanding violation 5-12 to include those who aid or abet the commission of a battery.

Group 5-Disciplinary Action: modifies the Expulsion Guidelines so that approval of the hearing officer's recommendation is vested solely in the Chief Education Officer rather than the Region Education Officer.

Group 6-Acts of Misconduct: cross-references Appendix A (descriptions of 6-1/6-2 violations) in footnote 5.

Deletion of Current Language

Student Misconduct: modifies the "Student Misconduct" section by omitting language that allows a student in violation of groups 1-4 to be referred to school-based-after-school or Saturday program in lieu of in or out-of-school suspensions.

Groups 1–4 Acts of Misconduct: omits student referral to after school or Saturday program in lieu of a suspension for a second violation of items listed in Groups 1-4 as noted above.

Glossary and Appendix Additions

Glossary Definition of “Bullying behaviors”: adds the definition of “bullying behaviors.”

Glossary Definition of “Bomb threat”: adds the definition of “bomb threat.”

Glossary Definition of “Delivery”: modifies the definition of the word “delivery” by including delivery of “look-alikes” for intoxication and delivery of such substances for profit.

Glossary Definition of “Switchblade knife”: adds the definition of “switchblade knife.”

Appendix “A”: adds Appendix A, a chart designed to assist school personnel with determining when Acts of Misconduct 6-1 and 6-2 should be used to characterize a particular offense.

STUDENT MISCONDUCT

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The disciplinary process is intended to be instructional and corrective, not punitive. In addition to the disciplinary actions listed in this policy, schools may assign students to workshops in truancy/ violence prevention or in conflict resolution. In lieu of in school or out-of-school suspensions for acts of misconduct in Groups 1 through 4, ~~a student may be referred to a Region approved school-based after-school or Saturday program,~~ a school may also assign students to before or after school or Saturday detention if such a program is available at the school in the students area. Students whose acts of misconduct most seriously disrupt the educational process may be subject to expulsion.

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The Uniform Discipline Code shall be followed and enforced in the same spirit and manner throughout the school system. In addition to the standards of conduct and disciplinary actions described in this Code, Board-designated military academies and other JROTC programs may enforce standards of conduct and disciplinary actions which are consistent with the military nature of these schools and programs. Students enrolled in a military academy who repeatedly engage in acts of gross misconduct or insubordination, or who repeatedly fail or refuse to wear the required military uniform, may be subject to disciplinary reassignment by the military academy principal to another school (or in the case of a JROTC program, dismissal from the program). ~~All disciplinary reassignments from a military academy are subject to approval of the appropriate Region Education Officer.~~ Prior to a disciplinary reassignment, a conference must be held with parents/guardians, student, military academy principal, and a designee of the Chief Education Officer. Students who have been reassigned for disciplinary reasons from any military academy must be accepted by their nearest non-military attendance area school. Students who are disciplinarily reassigned to another Chicago Public School or expelled from the Chicago Public Schools lose all rank and privileges earned at the JROTC military academies and must reapply to the JROTC program and the military academies for enrollment.

Upon enrollment at a military academy, parents/guardians shall be informed of the uniform policy, expectations of a military academy, the disciplinary reassignment policy, and shall indicate by signature their agreement to adhere to the terms of these policies.

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EXPULSION GUIDELINES

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After the hearing, a written opinion is provided to ~~the Regional Education Officer with final approval from~~ the Chief Education Officer for final approval.

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GROUP 1--ACTS OF MISCONDUCT

These acts of misconduct include *inappropriate* student behaviors in the classroom or on the school grounds, such as the following:

- 1-1 Running and/or making excessive noise in the hall or building
- 1-2 Leaving the classroom without permission
- 1-3 Being improperly dressed ~~or failing to abide by school dress code or uniform policy~~¹
- 1-4 Displaying any behavior that is disruptive to the orderly process of classroom instruction
- 1-5 Loitering
- 1-6 Failing to attend class without a valid excuse
- 1-7 Persistent tardiness to school or class
- 1-8 Unauthorized possession of pagers or cellular telephones²

Disciplinary Action - Minimum to Maximum

FIRST VIOLATION

- ◆ Teacher-Student Conference
- ◆ Teacher-Student-Parent Conference

SECOND VIOLATION

- ◆ Teacher-Student-Resource Person- Administrator Conference
- ◆ In-school Suspension
- ◆ Detention/In-school Service
 - Before School -After School -Saturday
- ◆ ~~Referral to a Region-approved school-based after-school or Saturday program in lieu of suspension (if available)~~
- ◆ Referral to School Peer Jury in lieu of suspension (if available and approved by principal)

¹ Students who fail to abide by the ~~school dress code or uniform policies~~ may not be suspended, expelled or otherwise barred from attending school, but ~~are subject to Group 1 disciplinary actions and~~ may lose extracurricular privileges.

² Upon ~~detailed~~ written request ~~explanation~~ from a parent or legal guardian, a principal may authorize a student to possess a pager or cellular telephone for medical and other family emergencies, or for any other good cause. A denial of authorization for possession or use of pagers or cellular telephones may be reviewed by the Chief Education Officer or designee.

GROUP 2 - ACTS OF MISCONDUCT

These acts of misconduct include those student behaviors that *disrupt* the orderly educational process in the school or on the school grounds, such as the following:

- 2-1 Posting or distributing unauthorized or other written materials on school grounds
- 2-2 Leaving the school without permission
- 2-3 Interfering with school authorities and programs through walkouts or sit-ins
- 2-4 Initiating or participating in any unacceptable minor physical actions
- 2-5 Failing to abide by school rules and regulations
- 2-6 Exhibiting or publishing any profane, obscene, indecent, immoral, libelous, or offensive language and/or gestures
- 2-7 Possession of tobacco products, matches, cigarette lighters, or rolling papers
- 2-8 Defying (disobeying) the authority of school personnel
- 2-9 Failing to provide proper identification
- 2-10 Unauthorized use of school parking or other areas

Disciplinary Action - Minimum to Maximum

FIRST VIOLATION

- ◆ Teacher-Student Conference
- ◆ Teacher-Student-Parent Conference
- ◆ Teacher-Student-Resource Person-Administrator Conference

SECOND VIOLATION

- ◆ In-school suspension
- ◆ Detention/In-school service
 - Before School -After School -Saturday
- ◆ Suspension (one to five days)
- ◆ ~~Referral to a Region-approved school-based after-school or Saturday program in lieu of suspension (if available)~~
- ◆ Referral to School Peer Jury in lieu of suspension (if available and approved by the principal)

GROUP 3 - ACTS OF MISCONDUCT

These acts of misconduct include those student behaviors that *seriously disrupt* the orderly educational process in the classroom, in the school, and/or on the school grounds, such as the following:

- 3-1 Disruptive behavior on the school bus³
- **3-2 Gambling
- 3-3 Fighting-two people, no injuries
- 3-4 Profane, obscene, indecent, and immoral or seriously offensive language and gestures, propositions, behavior, or harassment based on race, color national origin, sex, gender, sexual orientation, age, religion, or disability
- 3-5 Persisting in serious acts of disobedience or misconduct listed in Groups 1 through 3 of this Code
- 3-6 Any behavior not otherwise listed in Groups 1 through 3 of this Code, the commission of which is seriously disruptive to the educational process
- ** 3-7 Forgery
- 3-8 Cheating and/or copying the work of another student
- 3-9 Overt Display of Gang Affiliation (see glossary for definition)⁴
- 3-10 Bullying behaviors (see glossary for definition)
- 3-11 Unauthorized activation or use of pagers or cellular telephones

Disciplinary Action - Minimum to Maximum**FIRST VIOLATION**

- ◆ Teacher - Student - Resource Person - Administrator Conference
- ◆ In-School Suspension
- ◆ Detention/ In-School Service
Before school - After School -Saturday
- ◆ Suspension (one to five days)

SECOND VIOLATION

- ◆ Suspension (one to five days)
- ◆ Suspension (six to ten days) and/ or Disciplinary Reassignment.
- ◆ ~~Referral to a Region-approved school-based after-school or Saturday program in lieu of suspension (if available).~~
- ◆ Referral to School Peer Jury in lieu of suspension (if available and approved by the principal)

³ In addition to other disciplinary actions, a student who engages in disruptive behavior on the school bus may be subject to suspension from bus service for a period to be determined by the school principal with review by Chief Education Officer or designee. Students receiving specialized services whose IEP requires bus service shall not be subject to suspension of bus privileges.

⁴ Repeated violations of Act of Misconduct 3-9 of the Uniform Discipline Code will result in a referral for an expulsion hearing and should be submitted as a 5-11 Act of Misconduct.

GROUP 4 - ACTS OF MISCONDUCT

These acts of misconduct include those student behaviors that very seriously disrupt the orderly educational process in the classroom, in the school, and/or on the school grounds. In many cases, these behaviors are also illegal, such as the following:

- *4-1 False activation of a fire alarm
- *4-2 Extortion
- **4-3 Assault
- *4-4 Vandalism or criminal damage to property
- **4-5 Battery
- **4-6 Fighting - more than two people and/or involves injury or injuries
- *4-7 Theft or possession of stolen property not exceeding \$150 in value
- *4-8 Possession, use, or delivery of fireworks
- 4-9 Possession or use of pagers, cellular telephones or laser pointers without school permission
- **4-10 Disorderly conduct
- **4-11 Trespassing

Disciplinary Action - Minimum to Maximum

- ◆ Teacher - Student - Resource Person - Administrator Conference
- ◆ In - School Suspension
- ◆ Detention/ In-School Service
 - Before School -After School -Saturday
- ◆ Suspension (one to five days)
- ◆ Suspension (six to ten days) and/ or Disciplinary Reassignment
- ◆ ~~Referral to a Region approved school-based after-school or Saturday program in lieu of suspension (if available).~~

GROUP 5 - ACTS OF MISCONDUCT

These acts of misconduct include those student behaviors that most seriously disrupt the orderly educational process in the Chicago Public Schools, such as the following:

- *5-1 Aggravated assault
- *5-2 Burglary
- *5-3 Theft or possession of stolen property exceeding \$150.00 in value
- **5-4 Use of intimidation, credible threats of violence, coercion, persistent severe bullying.
- 5-5 Gross disobedience to the authority of school personnel
- *5-6 Gang activity
- *5-7 Inappropriate sexual conduct
- *5-8 Engaging in any other illegal behavior which interferes with the school's educational process
- *5-9 Persistent or severe acts of sexual harassment
- *5-10 False activation of a fire alarm which causes a school facility to be evacuated
- *5-11 Repeated overt displays of gang affiliation
- *5-12 Battery, or aiding or abetting in the commission of a battery, which results in a physical injury.

Disciplinary Action - Minimum to Maximum

Suspension for (six to ten days) and/or Disciplinary Reassignment and/or expulsion. For first-time offenses of Group 5 Acts of Misconduct for which a student in the sixth grade or above is referred for expulsion, the student may be recommended by an expulsion hearing officer to attend the Board sponsored SMART program in lieu of expulsion if he or she has no prior Group 5 or Group 6 violations during the current school year. Such recommendations are subject to approval of the ~~Region Education Officer and the~~ Chief Education Officer. A student who is recommended to attend the SMART program in lieu of expulsion but who fails to successfully complete the program shall be expelled. If a student is expelled, Alternative Safe School Placement may be recommended for the period of the expulsion.

GROUP 6 - ACTS OF MISCONDUCT

These acts of misconduct include illegal student behaviors that not only *most seriously disrupt* the orderly educational process in the Chicago Public Schools but also mandate the disciplinary action described below:

- * 6-1 Use, possession, and/or concealment of a firearm/destructive device or other weapon as defined in this Code, or use or intent to use any other object to inflict bodily harm
- *6-2 Possessions of any dangerous object that is not defined as a weapon for the purposes of this Code⁵
- *6-3 Arson
- *6-4 Bomb threat
- *6-5 Robbery
- *6-6 Use, possession, sale, or delivery of alcohol, illegal drugs, narcotics, controlled substances, "look-alikes" of such substances, or contraband, or use of any other substance for the purpose of intoxication
- *6-7 Sex violations
- *6-8 Aggravated battery
- *6-9 Murder
- *6-10 Attempted murder
- *6-11 Kidnaping

Disciplinary Action - Minimum to Maximum

Suspension for ten days and expulsion for a period of not less than one calendar year, or as modified on a case-by-case review by the Chief Executive Officer or designee. Alternative Safe School Placement may be recommended for the period of the expulsion. For first-time offenses of Group 6 Acts of Misconduct by students in the sixth grade or above which do not involve violence or the threat of violence or the use, possession, and/or concealment of a firearm/destructive device, or sale or delivery of illegal substances, a student may be recommended by the expulsion hearing officer to attend the Board-sponsored SMART program in lieu of expulsion if he or she has no prior Group 5 or Group 6 violation during the current schools year. A student who is recommended to attend a SMART program in lieu of an expulsion but who fails to successfully complete the program shall be expelled. First-time violations of Act of Misconduct 6-2 by a student in the fifth grade and below will result in a maximum of ten days suspension at the school level, and the student will not be referred for an expulsion hearing. Students in fifth grade and below who have committed two or more violations of Act of Misconduct 6-2 shall be referred for an expulsion hearing.

⁵ In instances where students bring objects that are dangerous, but not normally used as weapons, and do not use them to inflict bodily harm or express the intent to use them for that purpose, the students should be charged with a group 6-2 violation of the UDC. See Appendix A.

GLOSSARY

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Bomb Threat – A false indication that a bomb or other explosive of any nature is concealed in a place that would endanger human life if activated.

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Bullying behaviors – Verbal or non-verbal behavior that occurs repeatedly over time, and causes physical and/or emotional harm to another. Such behavior may include, but is not limited to teasing, taunting, threatening, hitting, and stealing, or destroying personal property.

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Delivery - The act of selling and distributing fireworks, alcohol, illegal drugs, narcotics, controlled substances, contraband or “look-alikes” of such substances to others for the purpose of intoxication or profit.

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Switchblade Knife - A knife with a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife.

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Weapon – Any object that is commonly used to inflict bodily harm (e.g. pistol, revolver or other firearm, explosives, switchblade knife, bludgeon, black-jack, sling-shot, sand-club, sand-bag, metal knuckles, ballistic knife, tear gas gun, projector bomb, or any object containing noxious liquid gas, grenade, bottle, or other container containing an explosive substance of over one quarter ounce, cartridge, or any components of a machine gun or rifle), and/ or an object that is used or intended to be used in a manner that may inflict bodily harm even though its normal use is not as a weapon (e.g. box cutter, live ammunition, baseball bat, scissors, lock, laser pointer, other knife, razor, broken bottle or other piece of glass, or stun gun), or “look-alikes” of such objects. See Appendix A for more detail.

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Appendix A – Reference Guide for Group 6 Acts of Misconduct

SECTION 6-1	SECTION 6-2	SPECIAL CONSIDERATION
<p>If a student simply has any of these objects in his or her possession or uses any such objects, (s)he should be charged with a violation of Section 6-1 of the Uniform Discipline Code</p>	<p>If a student simply has any of these objects in his or her possession, but does not use them, (s)he should be charged with a violation of Section 6-2 of the Uniform Discipline Code. If a student uses, or threatens to use, any of these objects to inflict harm on someone, the student should be charged with a violation of Section 6-1.</p>	<p>If a student simply has any of these objects, or any other similar object in their possession, (s)he should not be charged with a violation of the Uniform Discipline Code. If a student uses, or threatens or intends to use any of these objects to inflict bodily harm on someone, the student should be charged with a violation of Section 6-1.</p>
FIREARMS	KNIVES	SPORTING EQUIPMENT
<p>This includes...</p> <ul style="list-style-type: none"> ○ Pistol ○ Revolver ○ Other Firearms ○ Any part or portion of a machine gun or rifle, or a gun cartridge 	<p>This includes, but is not limited to...</p> <ul style="list-style-type: none"> ○ Steak knife or other kitchen knives ○ Pen knives/ pocket knives ○ Hunting Knives ○ Swiss Army knife ○ Box cutters ○ Razors 	<p>This includes, but is not limited to...</p> <ul style="list-style-type: none"> ○ Baseball Bat ○ Golf Clubs
“LOOK ALIKE” FIREARMS	TOOLS	PERSONAL GROOMING PRODUCTS
<p>This includes...</p> <ul style="list-style-type: none"> ○ B.B. Guns ○ Air guns ○ Other objects, including “toys” or replicas, that reasonably resemble real firearms 	<p>This includes, but is not limited to...</p> <ul style="list-style-type: none"> ○ Hammers ○ Screwdrivers ○ Saws ○ Crowbars/ Metal Pipes ○ Other objects commonly used for construction or household repair 	<p>This includes, but is not limited to...</p> <ul style="list-style-type: none"> ○ Nail clippers/ files ○ Tweezers ○ Combs with sharp handles
KNIVES	OTHER OBJECTS	SCHOOL SUPPLIES
<p>This includes only the following types of knives...</p> <ul style="list-style-type: none"> ○ Switchblade knives ○ Ballistic Knives (knives that are operated by an air or gas pump) 	<p>These include, but are not limited to...</p> <ul style="list-style-type: none"> ○ Stun Guns ○ Mace/ Pepper Spray ○ Live Ammunition/ Bullets ○ Broken bottles, or other pieces of glass ○ Wooden sticks/ boards ○ Throwing stars 	<p>This includes, but is not limited to...</p> <ul style="list-style-type: none"> ○ Scissors ○ Pad locks/ combination locks ○ Pens/ pencils ○ Rulers ○ Other objects that are commonly used for educational purposes
EXPLOSIVE DEVICES/ GASES		
<p>This includes...</p> <ul style="list-style-type: none"> ○ Tear gas guns ○ Projector bombs ○ Noxious Liquid Gas ○ Grenades ○ Other explosive substances 		
OTHER OBJECTS		
<ul style="list-style-type: none"> ○ Black Jacks ○ Billy Clubs ○ Sling Shots ○ Sand Club ○ Sand Bag ○ Metal/ Brass Knuckles 		


LSC REVIEW: The Local School Council Advisory Board has reviewed these amendments.

AFFIRMATIVE ACTION REVIEW: None.

FINANCIAL: This action is of no cost to the Board.

PERSONNEL IMPLICATIONS: None.

Approved:



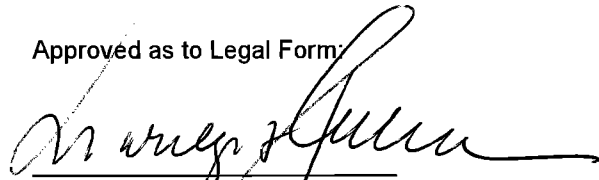
Arne Duncan
Chief Executive Officer *by FAD*

Approved for Consideration:



Dr. Barbara Eason-Watkins
Chief Education Officer

Approved as to Legal Form:



Marilyn F. Johnson
General Counsel